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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,320	02/12/2004	Nobuki Hasegawa	2003_1773A	4094
513	7590	07/07/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			ESTREMSKY, SHERRY LYNN	
2033 K STREET N. W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20006-1021			3681	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/776,320	Applicant(s) HASEGAWA ET AL.	
	Examiner Sherry L. Estremsky	Art Unit 3681	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-12, 14-19, 21-26, 28-32 and 34 is/are allowed.
- 6) ☒ Claim(s) 6, 13, 20, 27, 33, 35 and 39 is/are rejected.
- 7) ☒ Claim(s) 36-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 22 is objected to because of the following informality: the arrangement of claim 22 makes the method step ("forcing oil from said mesh point...") appear to be included in the part of the claim that describes what the planetary transmission includes, such that the claim does not appear to include a method step. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 13, 20, 27, 33, and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 6, 13, 20, 27, 33, and 39, "a second tubular extension" makes the scope of the claim uncertain because no first tubular extension was claimed in the claims on which the claim depends. Since the phrase "a second tubular extension" is claiming just one tubular extension, but suggests that there are two, it is not clear how many tubular extensions are being claimed.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Motl et al., U. S. Patent 5,328,419.

Motl et al. shows in figure 2 a cover 50 for covering an opening 26 in a casing 12 of a planetary transmission.

A passageway 152/154 extends through the cover 50 and is constructed and arranged to supply oil to a hollow interior of a sun gear 84 (the hollow interior including passage 156 and the area including bearings 69 and 71) of the planetary transmission so as to lubricate first and second thrust washers 120 and 122 of the planetary transmission (after passing from the hollow interior of shaft 64/sun gear 84 into passages 162, 166, and 168; column 6, lines 1-12).

***Allowable Subject Matter***

6. Claims 1-5, 7-12, 14-19, 21-26, 28-32, and 34 are allowed.

7. Claims 6, 13, 20, 27, and 33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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8. Claims 36-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

No reference nor combination of references was found which teaches a lubrication system in which oil is forced from a mesh point between a sun gear and planetary gear through a passageway extending through a casing and into a hollow interior of the sun gear, contacting first and second thrust washers on either side of the sun gear, as required by claims 1, 8, and 15.

No reference nor combination of references was found which teaches a lubricating method including forcing oil from a mesh point between a sun gear and planetary gear through a passageway extending through a casing and into a hollow interior of the sun gear, contacting first and second thrust washers on either side of the sun gear, as required by claim 22.

No reference nor combination of references was found which teaches a method of modifying a planetary transmission including defining a passageway in a cover of a casing of the transmission in which oil is forced from a mesh point between a sun gear and planetary gear through a passageway extending through a casing and into a hollow interior of the sun gear, contacting first and second thrust washers on either side of the sun gear, as required by claim 29.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent 2,943,517 (Markley et al.) July 1960 - discloses a planetary transmission having a cover with passageways through which lubricating oil flows.

U. S. Patent 3,475,992 (West, Jr. et al.) November 1969 - discloses a planetary transmission with a casing having a cover made of two pieces bolted together. One cover piece includes passages into the casing and the other piece includes a cavity with a pump.

U. S. Patent 3,741,037 (Piret) June 1973 - discloses a planetary transmission with two sun gears, each meshing with planetary gears. It appears that there are thrust washers between the two sun gears, and a thrust washer is between a second of the sun gears and another member of the transmission. Lubricating oil within a hollow interior of the second sun gear lubricates the two thrust washers. The second sun gear also includes a passage from the interior of the gear to a root portion of the teeth.

U. S. Patent 5,667,036 (Mueller et al.) September 1997 - discloses a transmission with tubular extensions extending from openings in a casing cover into hollow interiors of gears.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherry L. Estremsky whose telephone number is (571) 272-7090. The examiner can normally be reached on Tuesday and Friday from 7:30 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SHERRY ESTREMSKY  
PRIMARY EXAMINER  
AV3681 7-1-05